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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STEPHEN CHANG and HONGYAN
CHEN,) No. C 07-3562 SBA
Plaintiffs,)
v.) FORMAL REQUEST TO BE EXEMPT
MICHAEL CHERTOFF, Secretary,) FROM ADR PROCESS
Department of Homeland Security;)
ROBERT S. MUELLER, III, Director of the)
Federal Bureau of Investigation,)
Defendants.)

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to Plaintiff's request that this Court compel Defendants to adjudicate the application for adjustment of status. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed

from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: September 28, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: September 26, 2007

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date:

SAUNDRA B. ARMSTRONG
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.